

**Wahpeton City Council**  
**October 7, 2019**  
**5:00 p.m.**

**Present:** Bohn, McCann, Dale, Lambrecht (via teleconference), Wateland, and McNary

**Absent:** Miller and Bajumpaa

**Also Present:** Huwe, Lies, Rogahn, Thorsteinson, Broadland, DeVries, Bakken, Amos, and O'Meara

**CALL TO ORDER**

Meeting called to order by Mayor Dale.

**PUBLIC HEARINGS/CITIZEN CONCERNS/ETC.**

**Public Hearing – Certification of Special Assessments Resolution No. 3731** ó Lies asked if there was anyone present to speak about the proposed specials, and there were none. When asked, Huwe said there were no inquiries or outstanding contestants of the special assessments as proposed. Lies explained the resolution covers three different districts and would confirm the specials assessments as coming forth from the Special Assessment Commission.

Council member Bohn offered the following and moved its adoption:

**RESOLUTION NO. 3731**

**RESOLUTION CONFIRMING SPECIAL ASSESSMENTS AND DIRECTING CERTIFICATION  
AND LEVY FOR**

**EAST SIDE SANITARY SEWER PHASE A  
DAKOTA AVE. TO 5<sup>TH</sup> AVE. N. INCLUDING 3<sup>RD</sup> AVE. N.  
FROM 1<sup>ST</sup> ST. TO THE RIVER  
IMPROVEMENT DISTRICT 13-02-02**

and

**3RD AVE. NORTH RECONSTRUCTION 1<sup>ST</sup> ST. TO 11<sup>TH</sup> ST.  
IMPROVEMENT DISTRICT 11-01-06**

and

**WESTGATE COMMONS 1<sup>ST</sup> ADDITION STREET & UTILITIES  
IMPROVEMENT DISTRICT ST18-238**

The motion for the adoption of the foregoing Resolution was duly seconded by Councilmember McCann. Motion carried with a roll call vote 5-0.

**Proclamation – Domestic Violence Awareness** ó DeVries read a Proclamation Recognizing October 2019 as Domestic Violence Awareness Month. Becky DeVries of the Three Rivers Crisis Center then thanked the City Council and staff for recognizing the fact that domestic violence affects our community and spoke about some services the Crisis Center provides.

**Wahpeton Sesquicentennial Committee Update – Jane Priebe** ó Priebe provided an update on Wahpeton's Sesquicentennial saying ¾ of celebrating our community have been completed. In an effort to

celebrate what makes Wahpeton so special and unique, she proposed our City formally adopt before year's end the following symbols as part of the ongoing Sesquicentennial celebration: seal, tree, flowers, animal, fish, bird, motto, historic building, city flag, crops, cultural asset and tourist attraction. Priebe said the City has many things to celebrate now and into the future and her hope is that the Sesquicentennial events that were organized, the partnerships and sponsorships that were collaborated, and the progress our city has seen in the last 150 years will give pause, reflection, and opportunity through these City symbols. Any suggestions were welcomed.

**Northland Apartments – USDA Rural Housing Program Termination Concerns** ó Dale explained late this afternoon a written statement was received from Jerri Lynn, an occupant in one of the Northland Apartments, who was in attendance and given the opportunity to address the Council. Jerri Lynn, a resident of Northland Elderly Apartments, read the written statement she had submitted regarding information she had obtained about the Section 515 Rural Rental Housing Program of which Northland Apartments is a part and concerns she had for tenants' housing security should the property be sold. Alisa Mitskog, a member of the ND House of Representatives representing District 25, strongly encouraged the Council to do whatever they can to retain and preserve the status of this property as she felt it provides an essential housing option for residents, and particularly seniors, in our community. Dale said much information was received since the last Finance Committee meeting and felt it was best to table the topic until any further information is obtained and has been given the chance to be reviewed.

**CONSENT AGENDA ITEMS (presented by the Mayor)** ó

**Approval of minutes of regular meeting held September 16, 2019**

**Games of Chance Licenses, Site Authorizations & Special Permits:**

Chahinkapa Zoo Assoc. ó Raffle Permit

VFW Auxiliary ó Raffle Permit

Wahpeton Breckenridge Area Chamber of Commerce ó Raffle Permit

**Other Games of Chance and/or Special Permits:**

NDSCS Auto Tech Club ó Raffle Permit

NDSCS Diesel Club ó Raffle Permit

**Presentation/Approval of Reports**

ND League of Cities Resolutions for 2019

Honoring Local Heroes Battle Cross Dedication October 19, 2019

Letter of Support for Special Road Funding ó Chahinkapa Park

Fall Clean-up Week October 7<sup>th</sup> ó 11<sup>th</sup>

NDSCS Homecoming Week October 7<sup>th</sup> ó 12<sup>th</sup>

Mayor Dale asked if there were any items to be removed from the consent agenda and there were none.

**Motion by Wateland, seconded by McNary, to approve the Consent Agenda items as presented.**

**Motion carried with all voting 'aye'.**

**REPORTS FROM CITY OFFICERS AND STAFF**

**FINANCE DIRECTOR**

**ND League of Cities Annual Conference Update** ó Huwe reported the North Dakota League of Cities Annual Conference was held in Bismarck September 19<sup>th</sup>-21<sup>st</sup>. She attended education sessions presented by the ND Housing Finance Agency, ND Public Employees Retirement System, the ND Department of Environmental Quality, and the ND Department of Transportation. Additional meetings for large cities included review of the implementation of the Prairie Dog infrastructure funds, concerns about employee recruitment, and potential legislation on the Legacy Fund. The new League President is Tate Cymbaluk of the Williston City Commission. Wahpeton is part of the SE region and is represented by Tina Fisk, City

Administrator for the City of West Fargo. Watford City and Horace were co-recipients of the 2019 Cities of the Year Award. The 2020 conference will be held in Bismarck September 24<sup>th</sup>-26<sup>th</sup>.

**Wahpeton Park Board Request for Funding for Sculpture Garden – request referral to Finance Cmt.**

ó Huwe said the Wahpeton Park Board has submitted a request for consideration to use 1% Restaurant Tax funds to continue acquisitions for the Chahinkapa Park Sculpture Garden. She requested this topic be referred to the Finance Committee for consideration. Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**Development Project Water Capacity Planning – request referral to Finance Cmt.** ó Huwe explained in 2016 the City learned a large agricultural processor that had considered expanding into the Wahpeton area had selected the Aberdeen, SD area instead. Several capacity issues were identified as õheadwindsõ to development in our area. Elected officials and staff have noted several aspects of the headwinds in the capital improvement planning process. Huwe requested this topic be referred to the Finance Committee for further discussion. Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**Development Projects Professional Services Agreements – request referral to Finance Cmt.** ó Huwe said improving the capacity for future development includes the availability of critical infrastructure and utilities. The City may consider the use of professional service agreements to further plan for these types of long-term improvements. Huwe requested this topic be referred to the Finance Committee for further discussion. Mayor Dale will refer this item to the Finance, Economic Development & Personnel Committee.

**ATTORNEY**

**Ordinance Adoption Follow Up: Ord. 1006, 1009 & 1010** ó Lies explained Ordinance 1006 deals with zoning ordinance changes in front yard parking to mirror image the ordinance the city has dealing with parking on the City's traffic code on front yard parking. Ordinance 1009 deals with the use and possession of marijuana paraphernalia which used to be a Class A Misdemeanor which is outside the jurisdiction of the City and State Law has reduced it to a Class B so need to get that incorporated into our Ordinances so we can have prosecution of that offense. Ordinance 1010 which is on marijuana becoming an infraction instead of a misdemeanor was changed with State Law and second reading was done but without first reading so will treat that as first reading and this as the second reading.

Council member McCann offered the second reading of the following Ordinance as amended:

**ORDINANCE NO. 1006**  
**AN ORDINANCE AMENDING ZONING ORDINANCE**  
**SECTION 46-264 - APPLICABILITY**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Wateland. Motion carried with a roll call vote 5-0.

Council member McCann offered the second reading of the following Ordinance:

**ORDINANCE NO. 1009**  
**AN ORDINANCE AMENDING RESTRICTIONS ON THE USE & POSSESSION OF**  
**MARIJUANA PARAPHERNALIA**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Wateland. Motion carried with a roll call vote 5-0.

Council member McCann offered the second reading of the following Ordinance:

**ORDINANCE NO. 1010**  
**AN ORDINANCE AMENDING RESTRICTIONS POSSESSION OF MARIJUANA AND  
INGESTION OF MARIJUANA BY PERSONS UNDER AGE 21**

The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Wateland. Motion carried with a roll call vote 5-0. Lies noted the Ordinances become effective upon publication notice of enactment so will be 10 days before they are effective.

**COMMUNUNITY DEVELOPMENT DIRECTOR**

**Community Development Report** ó DeVries requested suspension of the rules to discuss a topic not on the agenda. **Motion by Wateland, seconded by McNary, to approve suspending the rules to discuss a topic not on the agenda. Motion carried with all voting ‘aye’.** DeVries then presented an application for a Flex PACE Loan Interest Buydown from Huskie View Properties/Joe St. Aubin for the purchase and extensive renovation of the former Mendoza apartments at 1330 and 1340 12<sup>th</sup> Street North. The Bank of North Dakota has provided an amortization schedule and the City’s portion of the buy down would be \$79,718.93, with a present value of \$74,402.65. Total estimated project cost is approximately \$850,000. Recommendation is for funding to be in the form of a grant. Discussion held. **Motion by McCann, seconded by Bohn, to approve the City’s Share of a Flex PACE Interest Buy-down of up to \$79,718.93 from Sales Tax for Economic Development for Huskie View Properties/Joe St. Aubin in the form of a grant. Motion carried with a roll call vote of 5-0.**

DeVries provided an update on Manufacturing Day which was held October 2<sup>nd</sup>. He said 172 area high school seniors toured seven Wahpeton manufacturing businesses and NDSCS. He felt the students learn a lot about career opportunities and available training for those jobs. DeVries felt it was a very successful day.

Regarding way-finding signs around town, DeVries said he has been talking with former Public Works Director Randy Nelson who did a lot of research on this topic, but it is being put on the shelf for the foreseeable future due to other issues that are taking precedence.

DeVries then announced word was received that the 2019 Governor’s Choice for Community Development Award is the City Brew Hall. It will be awarded October 22<sup>nd</sup> in Dickinson at the Economic Development of ND Fall Conference Awards Dinner which DeVries plans to attend and hopes to answer any questions and possibly talk about the collaboration between the City and that private business to renovate that building into something very positive in Wahpeton.

**LIBRARY DIRECTOR**

**Library Report** ó Bakken reported Kercher will be starting the daycare outreach programming on Friday. She announced the book drop is back after receiving some damage and having to be repaired and is now located on the west end of the west sidewalk. Leach Reads Book Club meets October 16<sup>th</sup> at 1:30pm. The Friends of the Library Chocolate Chocolate Day and Book Sale will be Thursday, October 10<sup>th</sup> from noon ó 5:00pm with the book sale extending into Friday and Saturday.

**PUBLIC WORKS DIRECTOR**

**PW Report**

Rogahn requested referral to Public Works Committee of **NDDOT Maintenance Agreement for Urban Federal Aid Projects**. Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee **of an Engineering Agreement with Interstate Engineering for Loy Avenue and 12<sup>th</sup> Street North Reconstruction Project**. Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Rogahn requested referral to Public Works Committee **of an Engineering Agreement with Interstate Engineering for 8<sup>th</sup> Avenue North Reconstruction**. Mayor Dale will refer this item to the Public Works & Public Safety Committee.

Rogahn gave a reminder the Public Information Meeting for the East Side Sanitary Sewer Phase B Project will be held Thursday, October 17<sup>th</sup> at City Hall from 4:00-6:00pm with presentation at 5:00pm.

## **REPORTS FROM THE CITY COUNCIL COMMITTEES & BOARDS**

### **Finance, Personnel & Economic Development Committee Report**

McCann said the Finance, Personnel & Economic Development Committee met at noon on September 23<sup>rd</sup>. **BND Flex PACE Loan Participation Request All Seasons Car Wash – motion** to approve up to \$75,843.41 with partial repayment to the Sales Tax for Economic Development Fund ó **Motion by McCann, seconded by Wateland, to approve the City’s Share of a Flex PACE Interest Buy-down of up to \$75,843.41 from Sales Tax for Economic Development for All Seasons Carwash LLC with 42% to be paid back starting in five years with a five year amortization at 1%. Motion carried with a roll call vote of 5-0.**

**BND Flex PACE Loan Participation Request Northland Apartments – motion** to conditionally approve up to \$85,714.36. Repayment and final approval subject to additional information from borrower ó McCann reiterated this item will be tabled.

**Central School Purchase Agreement - discussion**

### **Public Works & Public Safety Committee Report**

Bohn said the Public Works & Public Safety Committee met at noon on September 24<sup>th</sup>.

**Wahpeton Community Center Activity Report - discussion**

**Fairview Cemetery Request for Assistance with Snow Removal & Black Dirt - discussion**

**Professional Services Agreement with Interstate Engineering, Inc. for the Safe Routes to School Project/11<sup>th</sup> St. N. Crosswalk Improvements not to exceed \$53,550 – motion** to approve ó **Motion by Bohn, seconded by McNary, to approve proceeding with the Professional Services Agreement with Interstate Engineering, Inc. for the Safe Routes to School Project/11<sup>th</sup> Street North Crosswalk Improvements as presented not to exceed \$53,550.00 from Sales Tax for Recreation. Motion carried with a roll call vote of 5-0.**

**Patrol Vehicle Request – motion** to approve the purchase of two vehicles not to exceed \$50,000 ó **Motion by Bohn, seconded by McNary, to approve the purchase of two Police Patrol Vehicles not to exceed \$50,000 per vehicle.** Wateland led discussion regarding the bids being taken from Smith Motorø 2019 bid and not having to go out on bids. **Motion carried with a roll call vote of 4-1: with Bohn, McCann, McNary and Lambrecht voting ‘aye’, and Wateland voting ‘nay’.**

**Yard Junk/Clutter Updates**

**Building Official Updates**

**RJ Hughes Drive – discussion**

**Request for Referral:** Snow Removal Operations  
Front Yard Parking Enforcement Implementation

**SCHEDULING OF COMMITTEE MEETINGS**

The following Committee Meetings were then scheduled:

- a. Finance Committee October 14<sup>th</sup>, 5:00 PM
- b. Public Works Committee October 15<sup>th</sup>, 12:00 Noon

**Adjournment**

**Motion by McCann, seconded by Bohn, to adjourn at 5:50 p.m. Motion carried.**

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Mayor Steve Dale

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Lynelle Amos, Finance Assistant